

**REMARKS**

The Office Action mailed September 27, 2001, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested. Claims 1-5 have been canceled without prejudice. Claims 6 and 7 have been rewritten as new claims 8-17. The new claims are fully supported by the specification and claims as originally filed. No new matter has been added.

**Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 1-7 are rejected as indefinite. Applicants submit that new claims 8-17 satisfy the requirements of 35 U.S.C. §112, second paragraph.

**Rejections Under 35 U.S.C. §102(a)**

Claims 1-7 are rejected as anticipated by Aoyagi et al. (Journal of Clinical Microbiology 37(6):1802-1808 June 1999), and as anticipated by WO 99/06836. A verified translation of the priority document is being prepared and will be filed.

**Rejections under 35 U.S.C. §102(b)**

Claims 1 and 4 are rejected as anticipated by Takahashi et al. Claims 1, 4 and 5 are rejected as anticipated by Kashiwakuma et al. Claims 1-4 are rejected as anticipated by Masalova et al. Claims 1-5 have been canceled. Therefore the rejections are moot. Applicants do not concede the correctness of the rejections.

**Double Patenting Rejection**

Claims 1-5 are rejected as being unpatentable over claims 22-29 of copending application 09/269,897. Claims 1-5 have been canceled. Therefore the rejection is moot. Applicants do not concede the correctness of the rejection.

It is respectfully submitted that each of the presently pending claims (claims 8-17) are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332.5300

Date: \_\_\_\_\_

April 23 2002

A handwritten signature in dark ink, appearing to read "D. P. Mueller". The signature is written over a horizontal line.

Name: Douglas P. Mueller  
Reg. No.: 30,300  
DPM/NJP